

Indiana Department of Education

Division of Exceptional Learners

### **COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1987.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	December 31, 2002
DATE OF REPORT:	January 29, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 18, 2003

### **COMPLAINT ISSUES:**

Whether the Vigo County School Corporation and the Covered Bridge Special Education District violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education plan (IEP) as written, specifically, by failing to implement the student's behavioral intervention plan (BIP).

### **FINDINGS OF FACT:**

1. The student (Student) is 17 years old, attends a local high school, and is eligible for special education and related services as a student with an other health impairment.
2. The Student's BIP, updated on May 23, 2002, specifies that when the Student becomes upset he will be allowed to leave the classroom and regain self-control in the hallway. The Student may choose to speak with the teacher and/or the teaching assistant, and the school counselor.
3. The Student was involved in a verbal confrontation with the special education classroom teacher (Teacher) on December 19, 2002. The Student requested leave from the classroom to regain control, as the behavioral implementation plan requires, however; the Teacher refused to allow the Student to do so. The Student was then suspended for three days for profanity directed towards the Teacher.

### **CONCLUSIONS:**

1. Findings of Fact #2 and #3 establish that on December 19, 2002, a confrontation between the Teacher and the Student occurred. The Student's BIP updated on May 23, 2002, was not implemented as written. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

### **CORRECTIVE ACTION:**

The Vigo County School Corporation and the Covered Bridge Special Education District shall:

1. A memorandum shall be sent to teachers of record and principals stating that BIPs are to be implemented as written. Personnel will be given copies of BIPs developed for students on their

caseload, and informed that BIPs are to be implemented as written. An assurance statement will be prepared stating that BIPs developed for special needs students will be implemented as written. **A copy of the assurance letter and of the memorandum shall be submitted to the Division no later than February 14, 2003.**